

REMARKS/DISCUSSION:

This Response F is being filed within the two months after the shortened statutory period for response that ended on January 27, 2010. Accordingly, a Petition for a Two-Month Extension of Time is made a part of the electronic filing for Response F. Response F is also being filed in conjunction with a Request for Continuing Examination, also made part of the electronic filing.

Claims 16-24 remain pending in this application. Claim 16 has been amended to include further novel features of the invention. Support for the amendments can be found at least at ¶ [0031] and [0042].

Amendment and/or cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicants reserve the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

To the extent that the present amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicants traverse the rejections and preserves all rights and arguments. While Applicants have noted several distinctions over the art of record, Applicant notes that several other distinctions exist, and Applicants preserve all rights and arguments with respect to such distinctions.

Applicants have carefully studied the outstanding Office Action. This Response F is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

This application is a parent to divisional application, serial no. 11/670,502, filed on February 2, 2007, now abandoned.

Rejection under 35 U.S.C. § 102(b)

Claims 16 and 23-24 stand rejected as being anticipated by Cudahy et al. (US 4,895,161). Office Action pp. 2-3.

Applicants respectfully transverse the Examiner's rejection of Claims 16 and 23-24 over Cudahy because, according to Applicant's understanding, the Cudahy reference neither teaches nor suggests all of the elements of the Applicants' invention. It is Applicants' understanding that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See for example MPEP 2131.

Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. In addition, the elements in the prior art reference must be arranged as required by the claim. MPEP 2131 (emphasis added).

Cudahy discloses a monitoring system for providing continuous monitoring of a patient, including periods of transport, includes a data acquisition and processing module for receiving physiological data from the patient. See, Abstract; col. 1, ll 9-12; and col. 1 ln 63 through col. 2, ln 19. Cudahy further discloses control elements, such as a button 16 to control the operation of the monitor, the display of physiological condition data, the setting of alarm limits, and the like. Col. 2, ll 53-57.

Cudahy neither discloses nor suggests "a first housing having a first microprocessor-based patient unit having at least one first connection point for receiving input signals from the at least one sensor and at least one second connection point for outputting patient physiological parameters; and manually inputting to the first microprocessor-based patient unit physical attributes of the patient via a user input" as now recited in claim 16. Cudahy fails to disclose any means for manually inputting any patient data into a first microprocessor-based patient unit by the user. For this reason, Cudahy fails to anticipate claim 16, or by virtue of dependency, claims 23-24.

Further, Cudahy fails to disclose or suggest "at least a portion of the medical procedure is controlled by the second microprocessor-based procedure unit" as now recited in claim 16. As earlier stated, Cudahy discloses only a monitoring system, and not a system as recited in claim 16 for controlling, at least in part, a medical procedure. For this reason, Cudahy fails to anticipate claim 16, or by virtue of dependency, claims 23-24.

Rejection under 35 U.S.C. § 102(c)/103(a)

Claims 17-18 stand rejected as being anticipated by Cudahy in view of Thompson (US 6,453,195).

Claims 17 and 18 are dependent upon claim 16, and at least for the reasons stated above, claims 17 and 18 are not anticipated by Cudahy in view of Thompson.

Rejection under 35 U.S.C. § 103

Claims 19-22 stand rejected as being unpatentable over Cudahy in view of Thompson and in view Hickie (6,453,195) as stated in the office action. Claims 19-22 indirectly depend upon amended independent claim 16. Therefore, based on the previous discussions, neither of the references alone or in combination disclose the invention as now claimed.

Conclusion

Applicants submit that in view of the discussion, the objections have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END501 INP/VEK.

Respectfully submitted,

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